

HOUSE BILL No. 1148

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19; IC 9-30-2-2; IC 35-44-3-3.

Synopsis: Authorized emergency vehicles. Provides that a police vehicle must utilize a siren and a red and blue emergency signal lamp in order for certain traffic stops to be valid. Provides that an authorized emergency vehicle must utilize a siren when the authorized emergency vehicle is being operated in the immediate pursuit of an actual or suspected violator of the law. Provides that an individual commits resisting law enforcement if the individual flees from a law enforcement officer after the officer has, by visible and audible means, including operation of the law enforcement officer's siren and emergency lights, identified himself or herself as a law enforcement officer and ordered the person to stop. (Current law requires only identification by visible or audible means.) Makes technical corrections.

Effective: July 1, 2009.

Pond, Moses, Bell

January 12, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1148

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-19-5-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Except as provided in
3 subsection (b):
4 (1) a vehicle may not be equipped with; and
5 (2) a person may not use upon a vehicle;
6 a siren, whistle, or bell.
7 (b) An authorized emergency vehicle may be equipped with a siren,
8 whistle, or bell that is capable of emitting sound audible under normal
9 conditions from a distance of not less than five hundred (500) feet and
10 of a type approved by the department. A siren authorized under this
11 section may not be used except when, **during the operation of the**
12 **authorized emergency** vehicle is ~~operated~~ in response to an
13 emergency call, or in the immediate pursuit of an actual or suspected
14 violation of the law. ~~The person who drives a vehicle equipped with a~~
15 siren under this section shall sound the siren when it is reasonably
16 necessary to warn pedestrians and other persons who are driving
17 vehicles of the approach of the authorized vehicle.

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(c) The siren of an authorized emergency vehicle must be used when the authorized emergency vehicle is being operated in the immediate pursuit of an actual or suspected violator of the law.

SECTION 2. IC 9-19-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. An authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the state police department. The siren:

(1) may not be used except when the authorized emergency vehicle is operated as follows:

(1) in response to an emergency call; and

(2) must be used when the authorized emergency vehicle is in the immediate pursuit of an actual or suspected violation violator of the law. In this case, the driver of the vehicle shall sound the vehicle's siren when reasonably necessary to warn pedestrians and other drivers of the vehicle's approach.

SECTION 3. IC 9-30-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) This section does not apply to a law enforcement officer:

(1) issuing a traffic information and summons or an ordinance violation citation concerning the use and operation of a motor vehicle; or

(2) making an arrest;

when there is a uniformed officer present at the time of the issuance of the traffic information and summons, ordinance violation citation, or citation for the violation leading to the arrest.

(b) A law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on an Indiana highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on an Indiana highway unless at the time of the arrest the officer:

(1) at the time of the arrest or issuance is (1) wearing a distinctive uniform and a badge of authority so that the officer was clearly identified as a law enforcement officer; or

(2) was, in order to effectuate the traffic stop, operating a motor vehicle that is: was:

(A) clearly marked as a police vehicle;

(B) displaying at least one (1) signal lamp equipped with a red beam and a blue beam in the manner provided in IC 9-19-14-5; and

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(C) giving an audible signal by means of the siren with which the motor vehicle was equipped under IC 9-19-14-3 so that will clearly show the officer or the officer's vehicle to casual observations to be an officer or was clearly identified as a police vehicle. This section does not apply to an officer making an arrest when there is a uniformed officer present at the time of the arrest.

SECTION 4. IC 35-44-3-3, AS AMENDED BY P.L.143-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A person who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible ~~or~~ **and** audible means, including operation of the law enforcement officer's siren ~~or~~ **and** emergency lights, identified himself or herself as a law enforcement officer and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

(1) Class D felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Class C felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person; and

(3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person.

(c) For purposes of this section, a law enforcement officer includes an enforcement officer of the alcohol and tobacco commission and a conservation officer of the department of natural resources.

(d) If a person uses a vehicle to commit a felony offense under

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1 subsection (b)(1)(B), (b)(2), or (b)(3), as part of the criminal penalty
2 imposed for the offense, the court shall impose a minimum executed
3 sentence of at least:
4 (1) thirty (30) days, if the person does not have a prior unrelated
5 conviction under this section;
6 (2) one hundred eighty (180) days, if the person has one (1) prior
7 unrelated conviction under this section; or
8 (3) one (1) year, if the person has two (2) or more prior unrelated
9 convictions under this section.
10 (e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory
11 minimum sentence imposed under subsection (d) may not be
12 suspended.

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